

his appointment, because he does not believe that the Executive branch of this Government, or the inhabitants of New Mexico, or both combined, have any constitutional authority to settle that question. That belongs either to the judicial department of the Federal Government, or to the concurrent action by agreement of the legislative departments of the Governments of the United States and Texas. But it has been sufficiently shown that Colonel Monroe could have had no such object, and that his intention was merely to set in the aid of the people in forming a State Constitution, to be submitted to Congress. Assuming, that, such a Constitution had been formed, what is to effect upon the disputed boundary? If it compromises the rights of either party to that question, then it does not meet the President's approbation, for he deems it his duty to leave the settlement of that question to the tribunal to which it constitutionally belongs.

It is sufficient for him that this boundary is in dispute. That the Territory east of the Rio del Norte seems to be claimed in good faith by Texas and New Mexico, or rather by the United States. Whatever might be his judgment in regard to their respective rights, he has no power to decide upon them, or even to negotiate in regard to them; and, therefore, it would be improper for him to express any opinion. The subject matter of dispute is between the United States and Texas, and not between the inhabitants of New Mexico and Texas. If those people should voluntarily consent to come under the jurisdiction of Texas, such consent would not bind the United States or take away their title to the Territory. So, on the other hand, if they should voluntarily claim the title for the United States, it would not deprive Texas of her rights, wherever those rights may be. They can only be affected by her own acts, a judicial decision.—The State Constitution formed by New Mexico can have no legal validity until it is recognized and adopted by the law-making power of the United States. Until that is done, it has no sanction, and can have no effect upon the rights of Texas, or of the United States, to the territory in dispute. And it is not to be presumed that Congress will ever give its sanction to that Constitution without first providing for the settlement of this boundary. Indeed, no Government, either Territorial or State, can be formed for New Mexico without providing for settling this boundary. Hence we regard the formation of this State Constitution as a mere空洞.

It may be regarded indeed, as a protest to Congress to be admitted as a State; but, until Congress shall grant the prayer of such petition by legal enactment, it effects the rights of neither party. But as it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their Constitution, with a view of applying to Congress for admission as a State; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Col. Monroe, in issuing the Proclamation.

I am directed, also, to state that in the President's opinion it would not be just to suppose that the late President desired to manifest any unfriendly attitude or aspect toward Texas or the claims of Texas. The boundary between Texas and New Mexico was known to be disputed; and it was equally well known that the Executive Government of the United States had no power to settle that dispute. It is believed that the Executive power has not wished—it certainly does not now wish—to interfere with that question, in any manner whatever, as a question of title.

In one of his last communications to Congress, that of the 17th of June last, the late President repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it; and that the authority to settle that question resided elsewhere. The object of the Executive Government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain as far as practicable the state of things as it existed at the date of the Treaty; and to uphold and preserve the rights of the respective parties as they were under the solemn guarantee of the Treaty, until the highly interesting question of boundary should be finally settled by competent authority. This Treaty, which is now a supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion.

It will, of course, be the President's duty to see that this law is sustained, and the protection which it guarantees made effectual—and this is the plain and open path of Executive duty in which he proposes to travel.

Other transactions of a very grave character are alluded to, and recited in your Excellency's letter. To those transactions, I am now directed not more particularly to advert, because the only questions propounded by you respecting the authority under which Colonel Monroe acted, and the approval or disapproval of his Proclamation. Your Excellency's communication and the answer will be immediately laid before Congress, and the President will take that occasion to bring to its notice the transactions alluded to above.

It is known to your excellency that the questions growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both Houses of Congress for many months, and still engage it with interest. It is understood that the Legislature of Texas will be shortly in session, and will take the boundary question also before it. It is a delicate crisis in our public affairs; not free certainly from possible danger, but let us confidently trust that justice, moderation, patriotism, and the love of the Union, may inspire such counsels, both in the Government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all. And with renewed assurances of the continuance of mutual respect and harmony in the great family of States.

I have the honor to be, with entire regard, your Excellency's most obedient servant,

DANIEL WHISTLER, Sec'y of State.

Powers' 'Greek Slave' will be exhibited in Middlebury, during commencement week

## Whig District Convention.

The Convention met at the Court House in Rutland on the 12th inst. pursuant to its notice, and was called to order by Mr. Billings, chairman of the District Committee and Mr. Kirkaldie of Brattleboro, chosen president pro tem., and H. B. Barton of Manchester, and B. D. Morris of Brattleboro, Secretary.

On motion of Mr. Billings, the Chair appointed S. H. Hayes, Gates Perry, Jr., and Geo. W. Harmon, a Committee to receive credentials and prepare roll of delegates.

An informal report was then had to enable the foregoing Committee to discharge their duty. The following is the list:

### WINDHAM COUNTY.

Allen—Nelson W. Oaks.

Brattleboro—John R. Blake, Edward Kirkland, d. D. Hart, Jonathan Smith.

Dover—Ezra Stetson.

Dummerston—P. W. Walker, Wm. C. Mills.

Guildford—Geo. A. Hunt, Wm. A. Taggart.

Holifield—J. Scott, D. F. Denison.

Marlboro—Z. Wallace, L. D. Keyes.

Newfane—Austin Birchard.

Potney—J. Ryan, Mark Crawford, B. W. Hougham.

Rockingham—Gates Perry, Jr., S. L. Bishop.

Rutland—H. H. Barker, L. W. Hubbard.

Sherburne—Joel Lamberton.

Sutton—Abel Grant.

Toronto—Amos Washburn, A. H. Washburn.

Woodstock—David Rice? D. A. Hammond.

Westminster—A. Goodell, N. T. Sheafe.

Washington—B. Wm. Edwin Starr.

Wilmington—E. C. Sergeant, Wells Snow.

RUTLAND COUNTY.

Bennington—D. Atkinson, H. C. Bottom.

Castleton—James Adams, Chester Spencer.

Wm. B. Colburn.

Chittenden—Geo. W. Barnard, W. Wright.

Clarendon—Franklin Billings, E. B. Parker.

Thomas McLaughlin.

Ira—Bradley First.

Meadow—Edward Mussey, Ira Seward.

Middlesex—Roswell Buel, Jr., L. W. Copeland.

At. Holly—D. T. Huntington, John Ashley, Thomas Dodge.

Pittsford—Gordon Newell, H. W. Tottingham.

Rutland—S. H. Hodges, Francis Blason.

Benj. Blanchard Robert Pierpoint, H. H. Dyer.

Sherburne—Benj. Maxham, Warner Bates.

Shrewsbury—Loren Frost, F. G. Allen.

Sudbury—H. J. Norton, R. M. Pitts.

Timmouth—Levi Rice, Jr., Harvey Shaw.

BENNINGTON COUNTY.

Arlington—M. C. Denning, Asaell Hurd.

Bennington—S. B. Squires, G. W. Harmon.

Wm. Bigelow, A. Booth, S. M. Robinson, J. W. Park.

Glastonbury—B. Cotton.

Pers—Mark Batchelder, J. P. Reynolds.

Pownal—B. Carpenter, Jr., R. W. Salmon.

Johnson—John Ladd.

Andover—Samuel Holmes.

Sherburne—Harlow Stoddard.

Shaftsbury—Nathan H. Bottom, J. W. Munroe.

Stonington—D. Welch.

Underhill—J. J. Hill, A. McLeanahan.

On motion of Mr. Billings the Chair appointed the following gentlemen to report permanent officers for the Convention, viz:

Messrs. Blanchard, Ryan and Scott, of Windham county; Alden, Adams, and Billings of Rutland county; Booth, Hill and Carpenter of Bennington county.

On motion of Mr. Park, a Committee of five were appointed to propose resolutions for the consideration of the Convention.

G. Newell & S. H. Hodges, Rutland Co.

J. R. Blake & N. T. Sheafe, Windham Co.

G. W. Harmon, Bennington Co.

composed that committee.

The committee to report permanent officers for the convention made the following, which was adopted and unanimously adopted.

President,

HON. ROBERT PIERPOINT of Rutland Co.

Vice President,

John B. Blase, Esq., of Windham Co.,

HON. NATHAN H. BOTTOM, Bennington Co.,

Secretary,

B. D. Harris of Windham Co.

G. A. Tuttle of Rutland Co.

J. J. Hill of Bennington Co.

On motion the convention proceeded to ballot for a candidate to represent this district in the 23d Congress of the United States, which ballot resulted as follows:

No. of Delegates in attendance, 90.

No. of votes cast, 79.

Necessary for a choice, 49.

For A. P. Lyman, 65.

Robert Pierpoint, 5.

Wm. C. Kettedge, 4.

Wm. C. Miner, 2.

Blank, 2.

Whereupon Hos. A. P. LYMAN, was declared to be duly nominated.

The convention then took a recess until 2 o'clock.

AFTERNOON.

The Convention met pursuant to adjournment.

On motion the Chair appointed Messrs. Billings, Bigelow, and Munsay, to notify Mr. A. P. Lyman of his nomination by this Convention, as the Candidate to represent this District in Congress.

Mr. Lyman soon made his appearance in the Convention and tendered his thanks for this distinguished mark of confidence, and gave a very able and lucid exposition of his views of public policy at the present time.

The Committee upon Resolutions reported the following, which were unanimously adopted:

Resolved, That the report of the nominating Committee appointed by the late Convention at Manchester, having been there received it became the duty of the District Committee, to call a new convention for the purpose of presenting a legitimate nomination, & that they are entitled to the thanks of the Whig party for having so manfully met the crisis.

Resolved, That the report of a mere committee of nomination when rejected by the Convention which appointed that Committee is not entitled to consideration, and ought not, in conformity with the usages of the whig party to be regarded as a nomination to be supported as such at the polls.

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Resolved, That the consistent, manly, and patriotic course pursued by the present representative in Congress of this district entitles him to the utmost respect, gratitude and honor from his constituents.

The Convention was addressed by Dr. Bigelow of Bennington, Mr. Kirkaldie of Brattleboro and several others, after which the Convention adjourned until day.

ROBERT PIERPOINT, President.

B. D. Harris, } Secretaries.

G. A. Tuttle, }

J. J. Hill, }

## CONGRESSIONAL.

Washington Friday, Aug. 9th.  
SENATE. The special order, the Texas bill, was taken up, when Mr. Winthrop took the floor, and spoke in favor of his amendment offered yesterday. He said that his object in offering it was not so much to insist upon its adoption, as to open the subject to further discussion; and he proceeded to say that he agreed with almost every word of the late Executive message, the points of which he recapitulated; but he thought the friends of California had a right to expect her admission first. As to the Texas boundary, he would have preferred the line designated in the Compromise bill, or in Mr. Ewing's amendment, to that adopted by the New Mexican Convention; but, after reflection, he saw less objection to Mr. Pearce's bill, and as it seemed satisfactory to the Senate, he concluded to withdraw his own. He added, however, that he was still doubtful which way he should vote on the bill.

Mr. Underwood offered an amendment which embraced substantially the boundary assigned by the Compromise bill.

Mr. Clemens replied to Mr. Winthrop, protesting against the employment of a force against Texas, which was proposed by the President, in case of her attempting to enforce her jurisdiction over the disputed territory.

The vote was then taken on Mr. Underwood's amendment, which was rejected—24 to 25.

Mr. Mason offered, as a substitute for the whole bill, his joint resolution of the 31st of July. It was suggested to be out of order. The Chair was appealed, who decided that it was in order, when Mr. Mason proceeded to explain its provisions.

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